

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 25th day of March 2013 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Edward A. Roderick-President</b>	<b>William P. Gerlach</b>
	<b>Denise M. deMedeiros-Vice President</b>	<b>Jay J. Lambert</b>
	<b>James Arruda</b>	<b>Brett N. Pelletier</b>
	<b>Joan B. Chabot</b>	

Town Administrator, James C. Goncalo and Assistant Town Solicitor, Gina DiCenso were also present.

**PROCLAMATION - GIRL SCOUT BROWNIE TROOP 118**  
**PROCLAMATION – TIVERTON LIBRARY WEEK**  
**PROCLAMATION – TIVERTON CLEAN UP WEEK**  
**PROCLAMATION – APRIL AS DONATE LIFE MONTH**

Councilor Gerlach read the Proclamation for Girl Scout Brownie Troop 118. Councilor Pelletier read the Proclamation for Tiverton Library Week. Councilor Chabot read the Proclamation for Tiverton Clean Up Week. Councilor Lambert read the Proclamation for April as Donate Life Month.

Councilor Chabot made a motion, seconded by Councilor Gerlach to adopt the Proclamation for Tiverton Clean Up Week. Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to accept the resolutions as drafted. Motion passed on a vote of 6-0-1, Councilor Arruda abstained, not at Council table.

Proclamations attached at the end of the minutes.

**Item moved up before Consent Agenda**

Councilor deMedeiros made a motion, seconded by Councilor Pelletier to move up in the agenda item C1, Robert Vital d/ b/a East Coast Wholesale– Requests Approval of Fireworks Permit at 1560 Bulgarmarsh Road, Rte. 177 Flea Market From April 1, 2013 to July 4, 2013 – Subject To Meeting All Legal Requirements – Recommendation of Fire Department. Motion passed unanimously.

The Town Council was sitting as the Board of Licensing Commissioners:

**BOARD OF LICENSING COMMISSIONERS:**

**Robert Vital d/ b/a East Coast Wholesale– Requests Approval of Fireworks Permit at 1560 Bulgarmarsh Road, Rte 177 Flea Market From April 1, 2013 to July 4, 2013 – Subject To Meeting All Legal Requirements – Recommendation of Fire Department**

Fire Chief Robert Lloyd informed the Council, the area has been inspected, and permit can be issued.

Councilor Lambert made a motion, seconded by Councilor Chabot to grant the request for Approval of Fireworks at 1560 Bulgarmarsh Road, Rte. 177 Flea Market from April 1, 2013 to July 4, 2013, subject to meeting all legal requirements.

**Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President Roderick read the items on the Consent Agenda, requested removals. Councilor Pelletier requested removal of item CA1a, Approval of Minutes Special Council Meeting March 9, 2013, Councilor deMedeiros was absent. Councilor Arruda requested removal of CA5, James O'Dell – Drainage Issue at Pocasset School – Referred to Town Administrator.

**Approval of Minutes Special Council Meeting March 9, 2013**

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the Minutes of Special Council Meeting March 9, 2013. Motion passed on a vote of 6-0-1, Councilor deMedeiros abstained, absent.

**James O'Dell – Drainage Issue at Pocasset School – Referred to Town Administrator**

Councilor Arruda questioned why this was on the Consent Agenda, Mr. O'Dell wished to discuss. Town Clerk Nancy Mello explained this was reviewed; Town Administrator Goncalo was going to speak with Department of Public Works (DPW) Director Steve Berlucchi for a response on the next agenda. T/A Goncalo provided some background. The contractor, many years ago, redirected the water off Arbor Terrace stairway going to the school. The contractor removed the stairway, made a culvert to the back sluiceway emptied into the baseball diamond. The School Department was notified in 2009, at least two occasions. The Little League blocked the sluiceway so as not to flood the ball field. Had DPW try to redirect the water, was not complete, did more extensive work to redirect to Main Road. The water in the back of the lot is coming from the School property. Two people have fallen. That issue was taken care of, Recreation put up a fence, access taken care of. Administrator feels is the responsibility of the School Dept.; the Town has tried to mitigate the water from Garden Heights. Mr. O'Dell complained, the water gets quite deep, could cause long term hazard, poses a safety issue, needs to be addressed. Mr. O'Dell has discussed with his engineer and excavator, Clement Rose. The problem is the driveway and the pitch to the southeast corner, at one time the water was over 100 feet long and 18 inches deep. Also evidence of water sitting on the foundation, taxpayers spent \$10million on renovations, is an emergency. Estimate cost to fix \$14,000 to put a pipe drain and catch basin, should ask School Committee for half, Town pays other half. Want to have the problem solved amicably, reasonably and quickly. Mr. O'Dell had given a copy of the estimates to the Administrator. DPW Director Berlucchi noted, would have to be advertised, verified, have to use prevailing wage. President Roderick suggested the T/A should with the DPW Director see what can be done in the interim, report back at next meeting.

Councilor Chabot made a motion, seconded by Councilor deMedeiros to instruct the Town Administrator to speak with the School Department and the DPW to prepare plan to go out for bid and on the interim see what can be done to alleviate the problem. Motion passed unanimously.

Councilor deMedeiros made a motion, seconded by Councilor Pelletier to approve the remaining items on the Consent Agenda except for CA5, James O'Dell – Drainage Issue at Pocasset School – Referred to Town Administrator. Motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA:****A-1-Approval of Minutes of Previous Meetings:**

- b. Approval of Minutes Regular Council Meeting March 11, 2013
- c. No Executive Session Held on March 11, 2013

### **A-2-Receipt of Minutes from the Following Boards, Commissions:**

- |  |                                  |
|--|----------------------------------|
| a.Wastewater Management Commission (2) | d.Pocasset Cemetery Commission   |
| b.Board of Canvassers (2)              | e.Historical Cemetery Commission |
| c.Conservation Commission (2)          | f. Planning Board (2)            |

### **A-3-Correspondence – Receive and File:**

- a.Tiverton School Committee – Legislation Submitted by Representative Dennis M. Canario Regarding Education Equity and Property Tax Relief Act
- b.City of Newport – Resolution Supporting Legislation Allowing Technology – Remote Participation by Video Conferencing for Advisory Boards and Working Groups
- c.Exeter Town Council – Resolution in Support of S 0044 and H 5072 – Act Relating to Elections – Eliminate Single Party Vote Mechanism
- d.Westerly Town Council – Resolution Opposing Mandatory Binding Arbitration on Monetary Matters for Teachers
- e.Received From The Samaritans of Rhode Island – Acknowledgement of Donation
- f.Town of Middletown – (2) Resolutions Opposing Mandatory Binding Arbitration Legislation and Opposing S-365, S-777 and H-5699 Mandating Expired Teacher, Police, Firefighter or Municipal Employee Contracts Must Continue at Existing Terms and Conditions

### **A-4-Town Administrator – February Department Reports**

### **A-6-Town Council Resolution Opposing Contract Continuation Legislation**

### **A-7-Town Council Resolution Opposing Binding Arbitration Legislation**

### **A-8-Town Council Resolution Supporting Portsmouth Council Letter Opposing Bridge Tolls**

### **A-9-Town Council Resolution Supporting Legislation to Eliminate Single Party (Master Lever) Voting**

## **BUSINESS BROUGHT BEFORE THE COUNCIL**

### **OPEN PUBLIC FORUM**

DeEtta Moran, a member of the Board of Canvassers, briefly spoke about the Council Resolution supporting legislation to eliminate the Single Party (Master Lever). Of the 39 cities and towns in the State, 34 have passed a resolution similar to this one. Rhode Island is the only state in New England that has the master lever. It is antiquated, there is no lever any more, disenfranchises candidates, Ken Block has done an extensive study, can be seen on masterlever.org. Many people don't understand especially if non-partisan is on the ballot, usually under voted. The Board of Canvassers sees as confusing to the whole process.

## **PUBLIC HEARINGS & PUBLIC PRESENTATIONS:**

### **PUBLIC PRESENTATIONS:**

#### **Marcel Valois – Tiverton Business Park – Economic Development Foundation**

Marcel Valois, Economic Development Foundation (EDF), discussed the timeline for development of Tiverton Business Park (the Park). Mr. Valois explained, represents a private nonprofit assisting the T/A and Planning Board to develop the Park, 170 acres of land initially conceived as a business park. With Newport County Chamber of Commerce grant money trying to see potential. The initial plan subdivision had 100 net developable lots, created a plan for 61 lots of 40 square feet. Cost may require \$10 million dollars for roads, drainage, gas, etc. Very marginal project was modified to 21 larger lots which cut down infrastructure costs to \$5million dollars with Federal money possibly available from the Economic Development Administration (EDA) for matching funds for half the cost. At the last meeting was asked for timeline, one alternative is to wait and bank the land, advertise the land as is or take an active interest in developing the land and identify resources. For a small grant of \$40-50 thousand can have marketing of site plans, a rendering of the park. Should the Council decide to proceed, to get the \$2.5million of Federal money, need to invest in outside resources.

The relative short marketing process includes preparing the EDA grant, application and preparing a marketing plan. The EDA process works on a quarterly basis, takes close to a year. Can apply for the planning grant even if the project does not move forward. President Roderick questioned the long term impact and what was going on in Washington. Mr. Valois noted, no guarantees, this was under the Department of Commerce, they write a continuous resolution. Public works grants are most prevalent, requires the applicant to have the matching funds committed. With budget request of \$60,000 could use for two different project grants \$40,000 for infrastructure and \$20,000 for the planning grant.

#### **Landfill/Recycling Sub-Committee – Council Update**

DPW Director Berlucchi and Steve Rys, Landfill/Recycling Committee updated the Council on the landfill and the estimated closure date. Director Berlucchi handed the update out to the Council which included a Closure Plan, revised March 2013, document 3 of 4. The landfill has been operating for 60 years with an estimated closure date of 2018. Director Berlucchi explained in 2008 the recycling rate was 19%, the State set guidelines for 2012, 35% minimum, Town rate 36%. Proposed three programs to achieve the 35% rate, charge residents for large bulky items that don't go in the landfill, are recycled. In October started No Bin No Barrel, rate went up 3% at that time. Pay As You Throw started in May of 2011. Rubbish dropped from 6,300 tons in 2008 to 3,600 tons estimated for 2012. This has helped push back the landfill closure date to 2018. There has been some confusion regarding the cost, paid PARE Engineering to address. In 2008 dollars would need between \$8 to 10 million, have not discussed inflation cost. Estimate in 5 years to have \$7.25 million, need \$8 million, variable, could change with the cost of gas and petroleum. After the closing need \$62,000 to maintain the closed landfill. Will know 1-2 years before closing, then go out for bids, permitting. After closure will have to be trucked to Johnston. Only use 33 acres of the 125 that are at the landfill.

Councilor Lambert, Council liaison to the Landfill/Recycling Committee spoke about the cost of closure. The Budget Committee (BC) several weeks ago estimated \$8 to 8.5 million for closure; the estimate was based on a PARE report from February 27, 2012. Referring to that report on page 6, closure cost, currently updating in 2011 dollars was \$8 million in table, page 8 net increase of 3.3%. Therefore cost to close on January 1, 2018 would be approximately \$9.7 million. Page 9 also referenced 2011 dollars, in 2018 dollars, \$9.7 million. On page 13 of this most recent report the conclusion, cost in 2018 approximately \$8,027,000 to \$10,157,000. Want to assure everyone there is still no magic number at this point

#### **ADVERTISED PUBLIC HEARINGS:**

##### **Small Cities Community Development Block Grant– Second Public Hearing - Community Development Block Grant Application – Christian Belden – Church Community Housing**

Christian Belden, Church Community Housing appeared before the Council to answer any questions in the Second Public Hearing for the Community Development Block Grant (CDBG). The first public hearing informed the public of the opportunity. Working with the T/A on receiving applications, putting together the list that is before the Council at a max of \$300,000. The priority listing can be changed, of the total amount; \$245,000 is for the Town. President Roderick opened the Public Hearing for comments from the general public. Joe Sousa, Hancock Street, suggested using funds for the Senior Center, needs appliances. Grant seems to be going to the same projects. President Roderick, seeing no other speakers, closed the comment portion for the general public for questions from the Council. Councilor Gerlach questioned how many appliances for Senior Center would be needed, T/ A Goncalo was unsure. Mr. Belden noted the Senior Center would be eligible for those funds. Last year the Town received \$167,000 in funding. Councilor Chabot noted the Senior Center refrigerator was being held closed with duct tape. Mr. Belden needed estimates for submission, the deadline is April 19<sup>th</sup>. Councilor Chabot splitting the \$50,000 slated for the Bay View playground. President Roderick suggested \$40,000 for Bay View and \$10,000 for the Senior Center. Mr. Belden explained would like to have the application completed before the deadline rather than waiting until the last moment. Councilor Gerlach suggested up to \$15,000 for the Senior Center. President Roderick suggested reducing the Bay View request by \$15,000.

Councilor Gerlach made a motion, seconded by Councilor Chabot to reduce the \$185,250, improvement to streets, etc. by \$15,000 and submit a request for \$15,000 for Senior Center kitchen equipment. It was suggested the amount should be up to the \$15,000. Councilor Gerlach amended the motion; Councilor Chabot seconded the amended motion, to submit the request for up to \$15,000 for Senior Center kitchen equipment. Motion passed unanimously.

Councilor Chabot made a motion, seconded by Councilor deMedeiros to approve the 2013 Community Development Block Grant with the changes specified. Motion passed unanimously. Mr. Belden questioned if the Senior Center request would be number 2 or number 3. President Roderick noted it would be number 3. Mr. Belden affirmed the Town Administrator would be authorized to submit the application, President Roderick agreed.

**Public Hearing on Proposed Town Code Changes to Chapter 10 – Animals – Proposed Amendment Will Revise Section 10-33 to Clarify the Status of Dogs Roaming at Large and to Provide a Fee For the Cost of Boarding Any Dog Impounded by the Town**

Councilor Lambert questioned Chief Blakey if this would require a Police Officer to impound any time a leash is not being held by someone, suggest changing the wording to may allow, for an element of discretion. If found at large then the dog may be impounded if not under control or supervision of the person in charge. Chief Blakey agreed, should not be shall, should have some discretionary value. President Roderick opened for comments from the public. Barbara Pelletier, Placing Paws, found this to be moving in the right direction, need to limit the number of pets per household. People are also disposing of dogs, maybe have a pet cemetery. Assistant Solicitor DiCenso explained the disposing was a Department of Health issue at a minimum, question if burying a dog is allowable. Chief Blakey planned to discuss with the Animal Control Officer, Paul Bell. Chief Blakey explained currently have no leash law. Donna Cook, Hilton Street, was not in favor of any dog being off a leash. Councilor Lambert explained the language suggested covers that situation. Roger Bennis suggested the leash gives a sense of security along with a can of halt. Mr. Bennis also questioned how the fee was collected. Chief Blakey explained the violation can be fined or summonsed to court, do not want to board the animals. Assistant Solicitor DiCenso opined if changing the wording to may, would be unduly vague, would have to put on notice, would have to say what the circumstances would be, could have a problem later. President Roderick called for comments from the public, seeing none closed the public comment portion.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the changes to the Code of Ordinances, Chapter 10, Article II, Sec. 10-33 as drafted. Motion passed unanimously.

**The adopted ordinance was as follows:**

**ORDINANCE NO. 2013-**

**AN ORDINANCE IN AMENDMENT TO  
CHAPTER 10 – ANIMALS  
OF THE ORDINANCES OF THE TOWN OF TIVERTON**

IT IS HEREBY ORDAINED by the Town Council of Tiverton, Rhode Island, that Chapter 10 – ANIMALS, Section 10-33 the Ordinances of the Town of Tiverton be amended as follows to delete the strikethrough language and add the underlined language:

**CHAPTER 10 – ANIMALS  
ARTICLE II – Dogs  
DIVISION 1 - GENERALLY**

**Sec. 10-33. Dogs at large.**

A. No person, being the owner, keeper, or having the charge or custody of any dog, shall allow such dog to go at large upon any road, street, highway, public property, or private property other than the private property of the owner or keeper, within the town, unless such dog shall be upon a physical leash. Every owner or keeper of any dog within the limits of the town shall be required to keep such dog under control at all times. It shall be unlawful for any owner of a dog to place that dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such dog.

This section shall not apply to any person who uses a dog under his or her direct supervision while lawfully hunting, while engaged in a supervised formal obedience training class or show, or during formal sanctioned field trails.

B. Any dog found at large within the town shall be impounded by the police, and its owner or keeper shall be allowed to recover such dog during the hours set forth by the police department, only upon payment of a daily boarding fee to be set from time to time by the Chief of Police, based approximately upon the cost to the town of such boarding costs.

C. Pursuant to G.L. §4-13-1(b) any person violating this section shall be fined not exceeding \$25.00 per dog for the first violation, \$50.00 per dog for the second violation within a 12 month period, and \$100.00 per dog for the third and subsequent violations within a 12 month period.

**This Ordinance shall take effect upon public hearing and passage.**

**Public Hearing on Proposed Town Code Changes to Chapter 42– fire Prevention and Protection – Amendment to Add a New Section 42-2 to Provide for the Collection of Fees for Certain Fire Safety Inspections and Re-Inspections As Provided for in the Rhode Island General Laws**

Chief Lloyd, Tiverton Fire Department, was asking for amendments to the Code to reflect what is in the State Fire Code for fee collection. President Roderick called for comments from the public three times, seeing none closed public hearing. Councilor Lambert questioned why the fees don't go to the General Fund. Chief Lloyd explained those funds stay within the Fire Department for use first for prevention purposes then the money goes into the General Fund.

Councilor Pelletier made a motion, seconded by Councilor Arruda to approve the Amendments to Code of Ordinances, Chapter 42-Fire Prevention and Protection as drafted. Motion passed unanimously.

**The adopted amendment was as follows:**

**ORDINANCE NO. 2013-**

**AN ORDINANCE IN AMENDMENT TO  
CHAPTER 42 – FIRE PREVENTION AND PROTECTION  
OF THE ORDINANCES OF THE TOWN OF TIVERTON**

IT IS HEREBY ORDAINED by the Town Council of Tiverton, Rhode Island, that Chapter 42 – FIRE PREVENTION AND PROTECTION of the Ordinances of the Town of Tiverton be amended as follows to add the following new Section 42-2:

**CHAPTER 42 – FIRE PREVENTION AND PROTECTION**

**ARTICLE I – IN GENERAL**

**Sec. 42-2. – Fees for Smoke and Carbon Monoxide Detector Inspections**

As authorized by the Rhode Island State Fire Code (24.6.3.1.3.1 as may be amended from time to time), the fire department shall be authorized to collect a fee for smoke and carbon monoxide detector inspections in all residential occupancies. Such fee shall be collected at the time of the inspection, and be in the amount authorized per inspection by the State Fire Code. The responsibility of this charged fee will be borne by the seller on each occurrence before title to the property is transferred. An additional fee in the amount authorized by the State Fire Code shall be collected for any

subsequent re-inspection of the same residential occupancy due to improper installation, wrong location, improper wiring method, or the seller's failure to maintain a mutually agreed upon appointment with the fire department. The fees collected by the fire department shall be used for fire prevention purposes in the town.

*Editor's Note: The current fee is \$30 for the first inspection and \$60 for each subsequent inspection.*

**This Ordinance shall take effect upon public hearing and passage.**

**Public Hearing on Fee and Fines Resolution – Proposed Amendments Pursuant to Code of Ordinance**  
**Section 2-1-Fees and Fines**

Councilor Gerlach questioned the Town Clerk about nonresident beach fees, did not see them included in the listing. Town Clerk Mello explained was addressed with the Recreation Commission, they opted not to increase, does not prevent a Councilor from bringing forward. The Fee Resolution can be amended at any time, can advertise this specific request. Councilor Gerlach did research nonresident beach fees in other communities, most between \$10 and \$20 dollars on a sliding scale. Frequently see out of state license plates at Fogland during the summer months. Could bring in additional revenue, additional infrastructure for trash. Should also look at fees for campers and motor homes. Town Clerk made several attempts to contact regarding the fees. Councilor Pelletier requested the T/A get something in writing about current beach fees. Councilor Gerlach planned to submit as an agenda item. Requested the Clerk to advertise. Councilor Pelletier questioned page 2, Chapter 14, Section 195, Established by Council, what is the fee? President Roderick suggested discussing that with the Harbor Commission.

Councilor Pelletier questioned the price of the cemetery plots on page 10. Town Clerk explained those fees were raised two years ago, weighs the cost of maintenance. The Fee Resolution was sent to all Department Heads and Boards. T/A Goncalo noted the plots went from \$250 to \$400. Councilor Pelletier questioned page 7, Zoning, Section 8 application for appeal. T/A Goncalo explained the fees were high enough not to get frivolous. Town Clerk Mello explained the Fee Resolution was changed five years ago to cover any fee that was in the ordinance. Before the Fee Resolution had to advertise 21 days in advance for each ordinance that was being changed. With the Fee Resolution just advertise once, cuts the cost factor way down. The down side is the full ordinance is not being shown.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the amended Fee Resolution for Animal Fees and Fire Prevention Fees. President Roderick closed the Public Hearing.

**APPOINTMENTS & RESIGNATIONS:**

**Interview for Recreation Commission Vacancy- Advertised–3 Year Term Expiring April 15, 2016**

**a.Recreation Commission – John T. Cordeiro**

President Roderick thanked Mr. Cordeiro for waiting. Mr. Cordeiro, longtime resident of the Town, raised three children here; time to give back, Recreation seemed to be a good fit. Can be a benefit to the Committee with budgeting and fundraising.

Councilor Gerlach made a motion, seconded by Councilor Chabot to appoint to fill a vacancy John T. Cordeiro, 19 Blueberry Lane, to the Recreation Commission for a three year term to April 15, 2016. Motion passed unanimously.

**UNFINISHED BUSINESS:**

**Councilor Gerlach - Stafford Pond – Ordinance Amendments - Proposed Ordinance Amendments to Protect Water Quality and Establish Advisory Committee – Scheduling of Public Hearing on April 22<sup>nd</sup>**

Councilor Gerlach updated on the effort to protect the public drinking water with respect to Stafford Pond. The Conservation Commission was leading the charge to address long standing water quality issues. In the last

several months had a meeting in Providence with DEM, Department of Health (DOH), the T/A, Conservation and State legislators to put the concerns on the table. Felt Town shouldn't wait for DEM to take the lead, multiple issues not just fishing tournaments; seaplane landing, etc.; thought prudent to move forward to reduce contamination to Tiverton's only water supply. Reducing fishing tournaments only first step. Like to move forward to schedule a Public Hearing to address this issue. Assistant Solicitor DiCenso did not need to review the proposed ordinance any further.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to schedule a Public Hearing on April 22, 2013. Motion passed unanimously.

Councilor Lambert supported the effort completely; however this appears to be trying to make it impossible to have a fishing tournament with \$1 million for insurance, a police detail, totally eliminated by 2014. Councilor Gerlach tried to sure there was adequate protection for a catastrophe. Stone Bridge water can only filter for organic matter. President Roderick noted the question about ownership, have indications the water belongs to the State. Assistant Solicitor DiCenso noted DEM can regulate but so can Town. Some Towns prohibit all fishing; can be done with DEM involvement.

**Proposed Ordinance Amending No Parking From South Intersection of Stafford Road and Old Stafford Road Northerly to a Point 50 Feet South of Pole #943 (Approximately Adjacent to #997 Old Stafford Road)– Scheduling of Public Hearing on April 22<sup>nd</sup>**

Councilor Gerlach noted part of the problem with the tournaments is there are so many boats, not enough parking. Councilor Pelletier suggested a change at the last meeting which was incorporated into this proposal. The proposed change for Evans Avenue, South Side from Main Road west to Riverside Drive entrance to Route 24. Should be west to Central Avenue, stops at Central Avenue. Assistant Solicitor DiCenso was not sure, was changed because Central Avenue on ramp was gone. Town Clerk will change to Central Avenue for advertising.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to schedule a Public Hearing on Ordinance Amendments on No Parking on April 22, 2013. Motion passed unanimously.

**Town Administrator – Discussion and Approval of Revised Model Contract**

Administrator Goncalo explained at the previous Council meeting two changes were suggested, in section 16 changed resignation to termination and in section 18 removed the Employee becoming an employee at will and added an extension of the contract for a period of 120 days. The Department Heads were aware of the changes, had no further objection. T/A Goncalo believed the Department Heads had seen the draft.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to approve the Revised Model Contract as presented in agenda item E2. Motion passed unanimously.

**Town Administrator – Approval of Advertising and Job Description for Position of Town Planner Planning Board Memorandum As To Role of Town Planner**

Administrator Goncalo included the changes from the last meeting, added under Qualifications the third paragraph starting with the wording demonstrated experience. Added certification is desired which gives the opportunity to be certified. President Roderick noted that wording is limited, should have a time period included. Requested the opinion of the Planning Board Administrative Officer, Kate Michaud, suggested adding 12 months, can take up to a year to be certified. Councilor Pelletier requested the suggested changes be reviewed by Town Solicitor Andy Teitz, a certified planner. Councilor Pelletier reiterated some additional language was needed. President Roderick suggested adding, close related field. Councilor Chabot pointed out the Personnel Board takes the qualifications literally, they develop a matrix very specific as to what is in the advertising. Councilor Pelletier agreed, do not want to dissuade qualified candidates from applying. Assistant Solicitor DiCenso suggested putting relevant work experience may be considered for a broader range. Councilor Chabot



suggested changing in the advertising the Planning Commission to Planning Board. Assistant Solicitor DiCenso noted the changes would be included for the next meeting.

President Roderick called for a brief five minute break at this time, 9:55 pm.

### **FINANCIAL BUSINESS:**

#### **Chief Blakey – Requests Authorization to Transfer \$40,000 From Acct #333-112 (Deputy) to Acct #333-102 (Overtime)**

Chief Blakey explained the request to transfer \$40,000 was the result of several factors, an expected resignation, contractual pay increases not budgeted for which was settled mid-year, extended sick leave and dispatcher overtime. T/A Goncalo recommended the transfer.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Transfer of \$40,000 from Account #333-112 (Deputy) to Account #333-102 (Overtime). Motion passed unanimously.

#### **Steve Berlucchi, DPW Director – Requests Authorization to Transfer \$4,400 From Acct #553-101 (Landfill Payroll) to Acct #554-101 (DPW Payroll)**

DPW Director Berlucchi explained had to replace a full timer with a full time temporary employee to operate the Landfill. T/A Goncalo recommended approval of the transfer. Councilor Chabot noted the request said it was to cover a projected shortage due to raises not accounted for in the budget. Director Berlucchi explained that was for another transfer. T/A Goncalo explained the money was there but just in a different account. This is just a transfer from the landfill payroll to the DPW payroll. The approved contract included raises; the contract was signed in November but did not go into effect until July.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Transfer of \$4,400 from Landfill Payroll Account #553-101 to DPW Payroll Account #554-10. Motion passed unanimously.

#### **Councilor deMedeiros – Discussion on 2013/2014 Budget**

Councilor deMedeiros explained, had kept this on the agenda for any updates. Nothing further at this time.

### **NEW BUSINESS:**

#### **Councilors Gerlach and Pelletier – Scheduling a Joint Workshop With Economic Development Commission to Engage Our Local Business Community**

Councilor Gerlach explained, have heard concerns from the business community to bolster the local economy. Need to engage the local business community to broaden the economic environment. Want to create a forum, hold a workshop with the Economic Development Commission (EDC). Will use the April 11th EDC meeting to discuss logistics and potential dates. Town Clerk Mello explained April 29th was being held at the Town Hall in case the public hearing on the Yacht Club proposed amendments needed to be continued. The Clerk suggested waiting until the Council meeting on April 22nd to schedule. Family Ties restaurant was suggested as one venue.

#### **Chief Blakey – Requests Permission to Advertise and Hire Full Time and Per Diem Communication Control Operators**

Chief Blakey requested permission to advertise for per diem Control Center Operators (CCO) based upon the budget being passed. T/A Goncalo explained, two CCO's were added in the budget.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the request from Chief Blakey to Advertise for Police/Fire Emergency Dispatchers, two full time and two per diem. Town Clerk Mello questioned if the advertising was to create a list. Chief Blakey explained, was a training process involved, generally hire per diem and full time operators.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the request to Advertise and Hire Full Time and Per Diem Communication Control Operators. Motion passed unanimously.

**Town Administrator – Request Council Approval to Modify Rules and Regulations at Town Farm to Allow Pets on Walking Track**

Administrator Goncalo requested this item be pulled from the agenda.

**Councilor Pelletier – Requests Update on Website**

Councilor Pelletier requested an update from the Administrator, hoping to get started soon, was an agenda item in February. T/A Goncalo explained Tax Assessor, Dave Robert has been working on this project on getting the site ready, talking to Department Heads and getting input, hope to be running by July 1<sup>st</sup>. Mr. Robert will then be Webmaster. Mr. Robert explained, had several meetings, Providence had 4-5 templates to choose from, have decided on one, they will design a better site, then more discussions on navigation and control. The email is hosted by a Boston location, they have the ri.gov addresses, have negotiated a lower price to host email addresses. Will have to purchase software.

**TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:**

1. Senior Center, Thursday March 28<sup>th</sup> at 10:30 am, a representative from Social Security will be here to answer tax questions.
2. Amicable Church on April 6<sup>th</sup> is holding a 5k walk/run starting at 9:00 am.

**COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

President Roderick made aware a letter was written to the Congressional delegation from the State delegates regarding public transit. Councilor Chabot, liaison to the Pocasset Cemetery Commission announced the spring clean-up at the cemetery. A notice of the Rules and Regulations for Rule Number Five-Section 6000 was as follows: Only flat markers shall be allowed on single grave lots. No trees, shrubbery or edging shall be allowed on single grave lots. Only American Flags will be allowed on graves and only one (1) planter no higher than twelve (12) inches or wider than the marker shall be allowed on single grave lots. As of April 15<sup>th</sup> any unauthorized articles will be removed from the grave sites in Section 6000 per order of the Cemetery Commission. Councilor Pelletier noted the St. Patrick's Day Parade, participated with President Roderick along with members of the Police and Fire Department; hope to have more participants next year. Great opportunity for networking.

**TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:**

**Town of Tiverton v. LAL Construction Company, Inc. et. al. – Case #NC-2013-0087 Consent Order**

Assistant Solicitor DiCenso updated the Council on Tiverton vs LAL Construction Company. A Consent Order was entered into between the Town and the defendants which includes anyone doing recycling business there. Ordered the defendants to cease accepting recyclable materials, allow 45 days for the Order to remain in effect until some resolution. The Town agreed not to seek further relief during this action. It is not unusual to have an extension to 45 days. The signed order was in effect on March 1, 2013.

**Nonquit School Update**

Nonquit Update, was an extension to March 28 of the purchase and sale agreement, has not been a closing yet.

**TOWN CLERK ANNOUNCEMENTS:**

Town Clerk Mello announced will be readvertising for the Harbormaster position, only received two responses, per the Charter the Personnel Board needs three applications. Will put in the Fall River Herald news as well.

**CLOSED EXECUTIVE SESSION:**

**Town Administrator – Disposition of Town Held Property 42-46-5(5) – Nonquit School**

**Town Administrator - Prospective Business or Industry 42-46-5(a) (6) – Industrial Park**

Councilor Lambert made a motion, seconded by Councilor Pelletier to enter into Closed Executive Session pursuant to RIGL 42-46-5(5)- Disposition of Town Held Property – Nonquit School. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Pelletier to stay in Closed Executive Session pursuant to 42-46-5(a) (6)- Prospective Business or Industry – Industrial Park. Motion passed unanimously.

The Council entered into Executive Session at approximately 10:40 p.m.

The Council returned to Open Session at approximately 12:25 a.m.

**OPEN SESSION:**

In Open Session President Roderick announced action had been taken on Nonquit School.

Councilor Lambert motioned to seal the minutes of Executive Session, seconded by Councilor Pelletier passed unanimously.

**ADJOURNMENT:**

Councilor Lambert motioned to adjourn seconded by Councilor Pelletier; passed unanimously.

Council adjourned at approximately 12:30 a.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk